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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 RAMPARTS, INC.,)
9 Plaintiff(s),) Case No. 2:09-cv-371-RLH-LRL
10 vs.)
11 FIREMAN'S FUND INSURANCE)
COMPANY, *et al.*,)
12 Defendant(s).)
13 _____)

O R D E R
(Motion for Relief #173)

14 Before the Court is Defendant Fireman's Fund's Motion for Relief from Order or, in
15 the Alternative, Motion for Reconsideration of the Clerk's Memorandum Regarding Taxation of
16 Costs (#173, filed September 6, 2011). The Court has also considered Plaintiff's Opposition (#174)
17 and Fireman's Fund's Reply (#175).

18 The Motion will be denied for the following reasons:

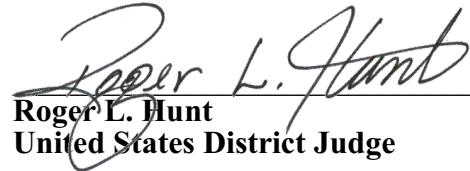
19 The Motion is untimely. Local Rule 54.1(a) requires a prevailing party to serve and
20 file a bill of costs no later than 14 days after entry of judgment. Having obtained summary judgment
21 on June 7, 2010, Fireman's Fund is more than a year late.

22 While the Court finds that Fireman's Fund should be considered a prevailing party
23 against Plaintiff, the Bill of Costs, together with the Memorandum in Support thereof, do not adhere
24 to the Local Rules in that they do not "verif[y] and distinctly set forth each item so that its nature can
25 be readily understood." Local Rule 54.1(b). For example, fees for an out-of-state attorney to appear
26 are not recoverable. This item was not distinctly set forth for other costs that might be recoverable.

1 The Court was just given a lump sum. Transcripts are not recoverable unless requested by the Court.
2 The cost associated with one copy of a deposition is recoverable, but the claimed costs for depositions
3 are not broken out either in the Bill of Costs or the Memorandum in support thereof. The costs for
4 printing, reproduction and exemplification are not taxable unless ordered by the Court Local Rule 54-
5 6. Costs for postage, messenger services and delivery fees are not taxable. Finally, a mediator's fees,
6 particularly those which occurred after judgment, are not taxable.

7 IT IS THEREFORE ORDERED that Defendant Fireman's Fund's Motion for Relief
8 from Order or, in the Alternative, Motion for Reconsideration of the Clerk's Memorandum Regarding
9 Taxation of Costs (#173) is DENIED.

10 Dated: October 28, 2011.

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12 **Roger L. Hunt**
13 **United States District Judge**

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